



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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MAILED

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JAN 30 2003

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600

In re Application of
Anadish Kumar Pal : DECISION ON PETITION
Application No. 09/781,090 : TO WITHDRAW THE
Filed: January 12, 2001 : HOLDING OF ABANDONMENT
For: TWO-WHEEL ELECTRIC MOTOR VEHICLE
WHERE WHEELS ARE PARALLEL TO EACH
OTHER, WITH A PROVISION FOR CONNECTING
TWO OR MORE SUCH VEHICLES IN TANDEM
BEING STEERED BY THE FRONT ONE

This is in reply to applicant's papers filed in the United States Patent and Trademark Office (USPTO) on September 24, 2002, which are being treated as a petition to withdraw the holding of abandonment. There is no fee for this petition.

The petition is **DISMISSED**, pending submission of a renewed petition.

A review of the file record indicates that the application was held abandoned for failure to respond to the Office action dated January 15, 2002.

The records of the Office indicate that an Office action was mailed to applicant at the address of record at that time on January 15, 2002. There is a strong presumption that mail properly addressed and delivered to the United States Postal Service was in fact delivered to the addressee. An allegation that an Office communication was not received may be considered in a formal petition for the withdrawal of the holding of abandonment, in accordance with *Delgar Inc. v. Schuyler*, 172 USPQ 513. At the time the Notice of Allowance was mailed, the applicant was and still is prosecuting the application pro se. Therefore, the avenue afforded law firms under 1156 O.G. 53 is not available to the applicant in this case. However, the presumption that the Office communication was delivered to applicant may be overcome by a showing that the communication was not, in fact, received as indicated below.

Applicant's statements of non-receipt should include a statement by him, and by anyone else at applicant's correspondence address, who would have handled the Office communication, and include any available documentary evidence of mail received, covering a reasonable period after the date of the Office communication, to show non-receipt of the communication in question. Copies of records on which the receipt date of the Office communication would have been entered had it been received, (e.g., a copy of the outside of the file maintained by applicant), are required if available. Also, a

showing of any docket records or other method which would serve as a reminder of a response due date should be submitted. Whatever method applicant uses as a reminder, and submits in response to this decision should be adequately explained. Also, a statement is required that a search of the file maintained by applicant, or any other location where correspondence from the USPTO is kept, fails to find a copy of the Office communication in question. Finally, applicant must state that he was in fact at the correspondence address of record at the time the Notice of Allowance would have been received.

Any such exhibits should be submitted as part of statement(s) showing that no Office communication was ever received.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181."

Correspondence with respect to a Petition to Withdraw the Holding of Abandonment under *Delgar Inc. v. Schuyler* should be mailed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231, and inquiries relative to this decision may be directed to Special Programs Examiner Kenneth Dorner at (703) 308-0866. No fee is required for such a petition.


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kjd: 1/17/03
